IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.13203 of 2002

Between:

Narravulu Lakshmaiah S/o. Narasaiah

Hindu, aged about 74 years, Cultivation,

R/o. Burripalem, Tenali Mandal,

Guntur District.

..... PETITIONER

AND

1. The Commissioner of Endowments,

Endowments Department, Boggulkunta, Hyd.

2. The Deputy Commissioner,

Endowments Department, Guntur.

3. The Assistant Commissioner,

Endowments Department, Guntur.

4. Sri N. Sai Baba, Executive Officer

Sri Lakshmi Narasimha Swmyvari Devastanam,

Burripalem, Tenali Mandal, Guntur District.

5. Ponnam Paramdhamaiah S/o. Narasaiah,

Cultivationa, Burripalem, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a Writ of Mandamus, directing the proceeding of the 1st respondent bearing Rc.No.CE/23769/02, dt.20-5-2002 as illegal and *ultravires* to the provisions of Art.14 of the Constitution of India and also the mandatory provisions of A.P. Act 30/87 besides declaring the action of the 4th respondent in permitting the Pattabhi Ramayya to cultivate the lands belonging to the temple without conducting public auction in the light of the provisions of A.P. act 30/87.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1 to 4: GP FOR ENDOWMENTS

The Court made the following :

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

In view of our judgment in W.A. No.693 of 2002 upholding the order dated 09-10-2001 of the Assistant Commissioner of Endowments Department, no further cause survives in this writ petition filed by the petitioner challenging the appointment of the Executive Officer. The Executive Officer has been appointed in the interest of public service and public management of the institution.

However, the petitioner is entitled to plead and establish his claim for being appointed as founder trustee of the Temple-Sri Lakshmi Narasimhaswami Temple, and, if the petitioner makes such an application before the competent authority, the same may have to be considered on its own merits.

The continuation of the Executive Officer, however, shall be subject to and depending upon the result of the application, if any, to be filed by the petitioner for being appointed as a founder Trustee of the Temple.

The Writ Petition shall accordingly stand dismissed. No order as to costs.

..... Assistant Registrar

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Endowments,

Endowments Department, Boggulkunta, Hyd.

2. The Deputy Commissioner,

Endowments Department, Guntur.

3. The Assistant Commissioner,

Endowments Department, Guntur.

4. Sri N. Sai Baba, Executive Officer

Sri Lakshmi Narasimha Swmyvari Devastanam,

Burripalem, Tenali Mandal, Guntur District.

5. Two C.Cs. to G.P. for Endowments, High Court of A.P.,

Hyderabad (O.U.T.)

6. Two C.Ds.